REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1–19, 21, and 23–52 will be pending. By this amendment, claim 47 has been amended. No new matter has been added.

§102 Rejection of Claims 1–12, 15–19, 21, 23–25, 28–45 and 47–52

In Section 3 of the Office Action, claims 1–12, 15–19, 21, 23–25, 28–45, and 47–52 stand rejected under 35 U.S.C. §102(b) as being anticipated by Fenton *et al.* (U.S. Patent Application No. US 2002/194195; hereinafter referred to as "Fenton").

In the Background section of the Specification, it was stated that "[t]he emergence of a growing number of media players has created a widening gap between the richness of the various types of media content and the diverse capabilities of the client devices to handle the content. As a result, the technology selection process for the end user has become quite complicated. For example, the user often cannot be certain that a given media player will be able to play the type of media content in which he or she is interested. Also, the user may be required to frequently download new media playing software in order to access desired content." *Background of the Specification, Paragraph [0006].*

To address the above-stated problem, embodiments of the present invention provide systems, methods, and programs for accessing and utilizing media publishing. In particular, because the settable features of one rich media publishing ("RMP") template are configured to match and remain unchanged and media items assigned to media item slots of the RMP template remain unchanged, the RMP template is replaceable by another template within the same category without reselecting

media items assigned to the media slots or resetting the settable features. For example, media publishing system claim 1 includes:

> *a network interface* to connect the media publishing system to a user;
>
> *a plurality of web services* for building, publishing, and accessing a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots;
>
> *a data storage* providing a file system to said plurality of web services, where the file system provides access to media items; and
>
> *storage* in which project code used to present the media project to the user is stored;
>
> wherein the RMP templates include settable features, the settable features controlling an aspect of presenting the media project,
>
> wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category, and
>
> wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category.
>
> (emphasis added)

Accordingly, in one aspect of claim 1, Rich Media Publishing ("RMP") templates are grouped into categories, each RMP template of a same category providing a different presentation framework and having the same media item slots; wherein media items assigned to the media item slots of said one RMP template in said same category remain unchanged when said one RMP template is replaced by said another RMP template in said same category.

As stated in the Specification, "[t]o build a project, the user selects [a Rich Media Publishing ("RMP")] template. The template is a presentation framework and includes a number of media slots.

Each media slot defines a genre of media (e.g., image, audio, video) and a specific target format (e.g., a JPEG format image that is 320x480 pixels)." *Specification, Paragraph [0055]* (emphasis added). That is, "[a] template ... has one or more media slots. A media slot is an open or undefined part of the template. A media item can be assigned to each media slot." *Specification, page 9, paragraph 0067*. Further, "[t]he templates are grouped into categories. Templates in the same category have the same media slots but can have completely different set features." *Specification, paragraph 0070* (emphasis added). "Because templates in the same category have the same number and genres of media slots, the template can be replaced with another template in the same category without reselecting media items." *Specification, Paragraph [0071]*. "In another implementation, a template also includes settable features. A settable feature controls an aspect of the presentation of a project such as background color or font characteristics. A settable feature does not have an assigned media item. As discussed above, media items are assigned to media slots. In one implementation, the settings for settable features are reflected in HTML code for the project built according to the template. The settable features in templates in the same category also match to facilitate seamless transition between templates." *Specification, Paragraph [0074]*. For example, when features of a first selected RMP template are modified and the user selects a replacement second RMP template from the same category as the first RMP template, the feature modifications apply to the second RMP template without further user action. Thus, the user experiences a "seamless transition" between RMP templates belonging to the same category by not having to apply feature modifications at the selection of each different RMP template.

An important distinction between a Rich Media Publishing ("RMP") template and a "media item" bears emphasis. As discussed above, a RMP template is a "presentation framework," which should be interpreted according to ordinary dictionary definition as a skeletal structure made for

admitting, enclosing, or supporting something presented. Accordingly, a RMP template supports the presentation of one or more media items. As such, a RMP template may include a number of "media slots," which are initially undefined parts of the template, but in which media items are subsequently assigned and displayed. A "media item," as opposed to a RMP template, however, comprises some genre of content, *e.g.*, an image, audio segment, or video segment. For example, a media item can be a JPEG image at 320 x 480 pixels, for which a media slot has a particular format to accommodate. See *Specification, page 5, lines 12–13*. By analogy, a RMP template can be thought of as a picture frame, and a media item thought of a picture placed within the frame. Together, a RMP template and a media item comprise a "media project," but individually function differently, though complementarily.

Further, RMP templates are grouped into template "categories." The characteristic of a template category is that all of the RMP templates of a category have the same number and genre of media slots. While each RMP template of a category provides a different presentation framework, the same media items can still be used for any template in that category regardless of the presentation framework of the template. See *Specification, page 5, paragraph 0057*. This enables a user to set up one template with media items and then switch seamlessly to another template of the same category without having to also reassign the media items. The media items assigned to the first template are automatically assigned to the second, thus enabling the user to easily compare the presentation frameworks of the two templates.

For example, "a second template in the same category may have a different background scene and a different character body, but still has one media slot for an image. A third template in the same category may have completely different features including multiple image features and background music, but still has one media slot for an image. The media slots in templates in the

same category also have a particular one-to-one correspondence." *Specification, paragraph 0070.* Reiterating, "[b]ecause templates in the same category have the same number and genres of media slots, the template can be replaced with another template in the same category without reselecting media items." *Specification, paragraph 0071.*

By contrast, Fenton does not teach or suggest the use of categories of templates characterized by settable features of one RMP template in the same category being configured to match and remain unchanged when that RMP template is replaced by another RMP template in the same category, and media items assigned to the media item slots of that RMP template remaining unchanged when that RMP template is replaced by another RMP template in the same category. Fenton discloses that a user "may incorporate the digital assets into media content created or edited by the user ...." *Fenton, Abstract.* Fenton refers to the "digital assets" as "one or more asset packs," and also that a user can choose to "create media content" media creation and editing tools. See *Fenton, paragraph 0050.* Fenton states in paragraphs 0124–25 that a "[p]ulldown box 1612 may allow the user to choose from a list of video or audio files stored on their stash. The chosen video or audio clip may then be featured on their user showcase page as a user-selectable video or audio clip. In one embodiment, only those video or audio files in the user's stash that are in a valid video or audio format for the showcase page will be displayed to the user. Pulldown box 1614 may allow the user to choose a pre-defined template for their user showcase page. The template will define the format of the showcase page (i.e., where page elements are located on the page). Pulldown box 1616 may allow the user to choose a background color palette for the user showcase page. ... A template preview window 1620 may be provided to allow the user to preview the template styles. Thumbnail examples of showcase page templates may be shown to the user. In one embodiment, this template preview page has no functionality (i.e., the image is static). In one embodiment, if the

user does not select a template or background color palette, a pre-defined default template and color palette may be used." *Fenton, paragraph 1024–25* (emphasis added). It therefore appears that Fenton, while disclosing a pre-defined template that defines the format of a user's showcase page for which a user can specify an attribute such as a background color, fails teach or suggest categories of templates and seamless transitions between the templates of a category in which assignments of user-selected media items are preserved.

It was stated in the Office Action in reference to claim 1 that RMP templates grouped into "categories" is read on Fenton's "asset packs." See *Office Action, page 2, bottom.* It was further stated that "Fenton discloses a media content [(templates) – which is defined as presentation frame work and include media slots according to the specification)] configured into "asset packs" (categories) that can be edited using editing tools (settable features) (See abstract; paragraphs 0050-0051; paragraphs 0124-0126)." *Office Action, Response to Arguments section, page 18, lines 17-20.*

Applicants respectfully disagree with the Examiner's characterization of Fenton. That is, the Examiner's characterization of Fenton regarding "asset packs" is incorrectly applied to "categories" of RMP templates. Fenton discloses "asset packs" containing "video, audio, and animation segments that may be incorporated into or combined with the user's own media content." See *Fenton, paragraph 0050* (emphasis added). It is apparent, then, that Fenton's "asset pack" is digital media, *i.e.,* corresponding to a "media item" as disclosed in the present invention, and not a template, which instead provides a presentation framework for a media item. Moreover, Fenton's digital media asset packs relate to particular genres, such as an "action" asset pack comprising video and/or audio segments of explosions, car chases, and gun battles, a "comedy" asset pack comprising video and/or audio segments of stand-up comedians, skits from television and radio shows, and scenes from comedy films, and a "music" asset pack which may contain video and/or audio

segments of music played by popular musical groups. See *Fenton, paragraph 0050*. These genres of digital media (*i.e.*, "asset packs") as disclosed by Fenton therefore correspond to types of "media items." They do not correspond, however, to "categories" of RMP "templates" which provide instead presentation frameworks for media items. Addressing Fenton's "asset packs" to the "categories" related to RMP templates in the present invention is thus incorrect.

Regarding claims 5 and 6, applicants respectfully disagree with the Examiner that Fenton teaches a limitation that the application programming environment includes CORE platform in Paragraphs [0050], [0075], [0078], [0082]-[0087], and [0151]. The CORE platform provides a multi-renderer multi-language engine that allows multiple user interface (UI) representations to be derived from a single source written in Interface Definition Markup Language (IDML). None of the Fenton paragraphs cited seem to teach or suggest providing multi-renderer multi-language programming environment.

Regarding claim 47, it recites a computer program, stored in a tangible storage medium, the program comprising executable instructions that cause a computer to:

> *connect* a media publishing service to a user;
>
> *build, publish, and access* a media project using rich media publishing ("RMP") templates, the RMP templates grouped into categories, each RMP template of a same category providing a different presentation framework and having the same number and genres of media item slots such that replacement of said each template with another template is the same category is done without reselecting media items;
>
> *use* a file system to upload, store, and access the media items; and
>
> *store* project code used to present said media project to the user;
>
> wherein the RMP templates include settable features, the settable features controlling aspects of presenting the media project,

wherein the settable features of one RMP template in said same category are configured to match and remain unchanged when said one RMP template is replaced by another RMP template in said same category, and

wherein media items assigned to the media item slots of said one RMP template remain unchanged when said one RMP template is replaced by said another RMP template in said same category.

(emphasis added)

As stated in the Specification, "[b]ecause templates in the same category have the same number and genres of media slots, the template can be replaced with another template in the same category without reselecting media items." *Specification, Paragraph [0071]*. By contrast, Fenton does not disclose having "templates in the same category have the same number and genres of media slots such that the template can be replaced with another template in the same category without reselecting media items."

Based on the foregoing discussion, claims 1, 5-6, and 47 should be allowable over Fenton. Further, since independent claims 23, 29, 48 and 50–52 recite substantially similar relevant limitations as recited in claim 1, claims 23, 29, 48 and 50–52 should also be allowable over Fenton. Since claims 2–12, 15–19, 21, 24–25, 28, 30–45 and 49 depend from one of claims 1, 23, 29, and 48, claims 2–12, 15–19, 21, 24–25, 28, 30–45 and 49 should also be allowable over Fenton.

Accordingly, it is submitted that the rejection of claims 1–12, 15–19, 21, 23–25, 28–45, and 47–52 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§ 103 Rejection of Claims 13–14, 26–27 and 46

In Section 5 of the current Office Action, claims 13–14, 26–27 and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fenton in view of Masuoka *et al.* (U.S. Patent Application No. US 2004/0230636; hereinafter referred to as "Masuoka").

Based on the foregoing discussion regarding claims 1, 23, and 29, and since claims 13–14, 26–27 and 46 depend from one of claims 1, 23, and 29, claims 13–14, 26–27 and 46 should also be allowable over Fenton. Moreover, Masuoka was cited merely for teaching "task computing in which he teaches a web folder configured as a folder on the web browser." Therefore, Fenton and Masuoka, individually or in combination, fail to teach or suggest all the limitations of claims 13–14, 26–27, and 46.

Accordingly, it is submitted that the rejection of claims 13–14, 26–27 and 46 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment and the allowance of this application with claims 1–19, 21, and 23–52 are respectfully solicited.

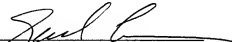
In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-2075.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch LLP

Dated: 2-4-08

By: 
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